

Cities of Newton and North Newton, Kansas Subdivision Regulations



Newton City Commission
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CHAPTER XXIV. SUBDIVISION REGULATIONS

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ARTICLE 1. GENERAL PROVISIONS

24.101. **PURPOSE.** These regulations are designed to ensure that the subdivision and development of land is in the public interest and promotes the health, safety, economy, livability, sustainability, and amenities of Newton and North Newton. The purpose of the subdivision regulations is to:

- (a) Provide for the harmonious and orderly development of Newton and North Newton in accordance with the comprehensive plan.
- (b) Ensure adequate traffic circulation through coordinated street systems with relation to major thoroughfares and adjoining subdivisions.
- (c) Provide safe and convenient vehicular and pedestrian traffic movements appropriate to the various uses of land and buildings throughout the city, and to provide for proper location and width of streets and building lines.
- (d) Achieve individual property lots of reasonable utility and livability.
- (e) Ensure that public facilities and services are available concurrent with development and will have sufficient capacity to serve the proposed subdivision.
- (f) Ensure consideration for adequate sites for schools, parks, recreation areas, and other public facilities and services.
- (g) Provide for the conservation and protection of natural resources, and prevent the pollution of air, streams, and ponds.
- (h) Ensure compatibility between adjacent and neighboring subdivisions; to promote harmony in the relationships and transitions between subdivisions and between new development and existing development.
- (i) Ensure that each subdivision provides that all building sites are safe from damage by the 100-year flood plain where the 100-year flood line has been designated or from damage by the regulatory flood, where the Federal Insurance Administrator has designated the regulatory flood elevation.
- (j) Ensure the conveyance of land by accurate legal description.
- (k) Establish standards of design and procedures for subdivisions and resubdivisions to further the orderly layout and use of land.
- (l) Provide off-site and on-site public improvements.
- (m) Provide for the reservation or dedication of lands for open spaces.

- (n) Provide for recreational facilities, which may include, but are not limited to the dedication of land area for park purposes.
- (o) Provide for any other services, facilities and improvements deemed appropriate.

24.102 AUTHORITY. The Planning Commission is authorized to review, approve, conditionally approve, and disapprove applications for the subdivision of land, including sketch, preliminary and final plats. Approval by the Planning Commission of a final plat under these subdivision regulations shall constitute a recommendation for approval by the appropriate governing body. The Planning Commission is authorized to grant variances from these regulations pursuant to the provisions of Section 24.109.

These subdivision and development regulations are adopted by the Planning Commission and approved by their City Commissions under the powers conferred by K.S.A. 12-749, as amended.

24.103 JURISDICTION.

- (a) MUNICIPAL CORPORATE LIMITS. These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of Newton and North Newton.
- (b) RESERVED.

24.104 APPLICABILITY. After the effective date of these regulations, land shall not be split, divided into lots or parcels, auctioned, or conveyed for development purposes except as provided by these regulations, unless exempted under Section 24-105 of this article. It shall be unlawful for any person to sell or otherwise convey land for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or any owner of any land to establish any street, alley, park or other property intended for public use or to offer for development purposes any land without reference to a valid, recorded plat or approved certificate of survey. The City Clerk shall not convey a plat of any subdivision to The Register of Deeds of Harvey County, Kansas, to be recorded until such plat bears the endorsement of the Planning Commission and acceptance of any dedications or public improvements by the Governing Body, and the survey review by the Harvey County Surveyor or his/her designee.

No building permit shall be issued for any parcel or plat of land that was created by subdivision after the effective date of these regulations that is not in conformity with the provisions of these subdivision regulations.

24.105 EXEMPTIONS. Notwithstanding the requirements of Section 24.104 of this article, these regulations shall not apply to the following:

- (a) A split, division, or transfer of land for a valid agricultural purpose.
- (b) A split or division of land 40 acres or greater in area.
- (c) The subdivision of any land used exclusively for cemetery purposes and associated accessory uses.

- (d) The vacation of land used for public use (i.e., right-of-way, alley, or utility easement).
- (e) The land is owned or held in trust for the United States government, State of Kansas, Harvey County or its political subdivisions, City of Newton or North Newton.
- (f) A lot has been previously subdivided and is proposed to be split into no more than two conforming lots or tracts.

24.106 FEES. The subdivider shall pay all fees associated with the filing of an application for a subdivision.

- (a) A subdivision review fee must be paid prior to any consideration by the City Staff of a preliminary plat, lot split, final plat, or replat. No fee shall be refunded after publication of the legal notice for the meeting.
- (b) The respective Governing Bodies shall adopt by ordinance the fee schedule for filing applications under these regulations.
- (c) All other incidental costs associated with legal publication and recording of documents and plats shall be paid by the applicant. .

24.107 ENFORCEMENT, VIOLATIONS, AND PENALTIES.

- (a) ENFORCEMENT. It shall be the duty of the Director of Community Development to enforce these subdivision regulations and to bring to the attention of the Municipal Prosecuting Attorney or the designated agent any violation of these regulations.
 - □ No owner, or agent for the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the Planning Commission and Governing Body, and recorded with the Harvey County Register of Deeds.
 - • □ The subdivision of any lot or any parcel of land, except land used exclusively for an agricultural purpose, by the use of metes and bounds description for the purpose of sale, transfer, lease or development is prohibited. All such described subdivisions shall be subject to all of the requirements contained in these regulations.
 - • • □ No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided or sold in violation of the provisions of these regulations, nor shall the municipality have any obligation to extend utility services to any parcel created in violation of these regulations.
- (b) VIOLATION AND PENALTIES. A violation of any regulation adopted in these subdivision regulations shall be a misdemeanor and shall be punishable by a fine not to exceed \$500.00 or by imprisonment for not more than six months for each offense, or by fine and imprisonment. Each day's violation shall constitute a separate offense.

- □ In addition, the City may institute appropriate action, including injunction and mandamus, to prevent unlawful erection, construction or alteration of structures, use of the land, occupation of buildings, abatement of nuisances, failure to obtain permits, sale of land for development purposes without reference to a valid plat or refusal to obey and adhere to a lawful order of the Director of Community Development.
- • □ Any person, the value or use of whose land is or may be affected by such violation, shall have the authority to maintain suits or actions in a court of competent jurisdiction to enforce these adopted regulations and to abate nuisances maintained in violation thereof.

24.108 CONDITIONS ON PLATS. The Planning Commission and/or Governing Body is authorized to attach reasonable conditions to a preliminary or final plat concerning design, dedication, improvement, and restrictive use of the land to conform to the comprehensive plan and the physical and economic development of the city and to promote the health, safety, and general welfare of the future lot owners in the subdivision and community at large.

24.109 VARIANCES AND WAIVER OF CONDITIONS.

(a) VARIANCES. The Planning Commission may grant variances from the provisions of these subdivision regulations where there exists an extraordinary hardship or practical difficulty that would prevent strict compliance with these rules or regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal. The Planning Commission shall consider variances as a separate agenda item prior to action on a preliminary or final plat. The applicant and any other interested person shall be given an opportunity to be heard with respect to the proposed variance request. The Planning Commission shall not approve a variance unless it shall make findings that all of the following apply:

- □ The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other nearby property.
- • □ The conditions upon which the request is based are unique to the property in question.
- • • □ Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience.
- ◆ □ The proposed variance request is in harmony with the intended purposes of these regulations as identified in Section 24-101.

(b) VARIANCE FOR PLANNED UNIT DEVELOPMENT. When a plat is presented that includes land for which a planned unit development plan has been approved, the Planning Commission may vary the design standards in these regulations as necessary to conform to the approved planned unit development plan.

24.110

INTERPRETATION AND CONFLICT.

- (a) **INTERPRETATION.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
- (b) **PUBLIC PROVISIONS.** The provision of these regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, or regulation, or other provision of law, the provision that is more restrictive or imposes higher standards shall control.
- (c) **PRIVATE PROVISIONS.** The provisions of these regulations are not intended to abrogate any easement, covenants, or other private agreement; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulation than such easement, covenant, or private agreement, the requirements of these regulations shall govern.
- (d) A subdivision of land, that was not lawful at the time of the adoption of these regulations, shall not become or be made lawful solely by reason of adoption of these regulations.
- (e) The provisions of these regulations are cumulative and are additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in the provisions of these regulations.

24.111

SEVERABILITY. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such invalidity shall affect only the part, provision, or application directly challenged in the action in which such judgment is rendered and shall not affect or impair the validity of the remainder of the regulations or the application thereof.

24.112

VESTED RIGHTS.

- (a) **SINGLE FAMILY RESIDENTIAL DEVELOPMENT.** Development rights in single family residential development shall vest upon recording of a final plat of such land. If construction is not commenced on such land within five years of recording a plat, the development rights in such shall expire.

Except for lots in a recorded plat, any remaining contiguous lots or tracts of land within the area divided under this rule held in common ownership at the conclusion of said five (5) year period shall be considered a single, unplatted lot and subsequent divisions of said lot shall be platted in conformance with the subdivision regulations then in effect.

- (b) NON-SINGLE FAMILY RESIDENTIAL DEVELOPMENT. For all purposes other than single-family developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by the City, and construction has begun, and substantial amounts of work have been completed under a validly issued permit. Persons who obtain a validly issued permit on a lot or tract of land created under the provisions of the previous subdivision regulations shall be permitted to develop said property so long as the permit issued does not expire. Failure to start construction under said permit before the expiration of the permit shall not protect the owner from the provisions of these regulations or the Newton/North Newton zoning regulations.
- (c) APPLICABLE LAWS. To obtain final plat approval, the applicant shall be in compliance with all local laws and regulations applicable at the time that the preliminary plat was submitted to the Planning Commission, except that the applicant shall comply with those local laws and regulations in effect at the time that the final plat is considered for approval by the Commission, provided that the Planning Commission makes a determination on the record that compliance with any of those local laws and regulations is reasonably necessary to protect public health and safety.

- 24.113 VACATION OR REPLAT OF PLATS. The vacation or replat of any plat shall be accomplished in accordance with K.S.A. 12-512(b).
- 24.114 AMENDMENTS. These regulations may be amended at any time after the Planning Commission holds a public hearing on the proposed amendment. A notice of such public hearing shall be published in the official city newspaper as provided by law. The Planning Commission may, after such public hearing, adopt such amendment, but such amendment shall not become effective until approved by the Governing Body in accordance with state law.
- 24.115 REPEAL OF PREVIOUS REGULATIONS. The 1969 Subdivision Regulations for the City of Newton and the City of North Newton, Kansas adopted in June of 1969, and all amendments thereto are hereby repealed effective from and after the date of the approval and adoption by the Governing Body and publication of the adopting ordinance for these subdivision regulations.
- 24.116 EFFECTIVE DATE. These regulations shall be effective August 2002, after their adoption by the Newton and North Newton Planning Commission and approval by the Newton and North Newton Governing Bodies.

ARTICLE 2. SUBDIVISION APPLICATION PROCEDURE

24.201

PRE-APPLICATION CONFERENCE AND SKETCH PLAN. The Director of Community Development, at his or her discretion may require a pre-application conference prior to submission of any application of a preliminary plat. A pre-application conference affords the subdivider/applicant an opportunity to meet with city staff and receive assistance before the preliminary plat is prepared. The purpose of the pre-application conference is to acquaint the applicant with the procedural requirements of these regulations; provide for an exchange of information regarding the proposed development plan and applicable elements of these regulations; advise the applicant of any public sources of information that may aid the applicant; identify policies and regulations that create opportunities or pose significant restraints for the proposed development; and permit city staff input into the general design of a project, based on the submitted sketch plan. The conference consists of the following steps:

Step One: Contact the Director of Community Development at the Newton City Hall at 201 East Sixth, (316) 284-6001.

Step Two: The applicant shall furnish the Director of Community Development with a sketch plat or plan of the proposed development. The Director of Community Development may waive the sketch plan due to the limited size of development or elementary character of site development. Five (5) copies of the sketch plan shall be submitted for staff review and comment within ten (days) prior to the scheduled pre-application conference. No fee is required with a sketch plan.

The sketch plat/plan shall contain the following information:

- i. Name, address and phone of applicant.
- ii. Legal description and existing zoning.
- iii. Proposed boundaries, north point.
- iv. General topographic features at reasonable intervals.
- v. General drainage features.
- vi. Streets adjacent to tract.
- vii. Availability of utilities and other public services.
- viii. Proposed general street and lot layout.
- ix. General estimate of lot sizes.
- x. General location details showing the relationship of the proposed subdivision to existing utilities, streets, and to surrounding developed and undeveloped land.

Step Three: The city staff will review pertinent requirements for platting, including streets, easements, physical arrangement and density, and general regulations for public water and sewer connections. When necessary, city staff will give specific instructions for the initial design of facilities and the preliminary plat.

Step Four: The applicant shall review all environmental, engineering and traffic, and sanitary sewer regulations and flood plain elevation maps that are currently in force in Newton and North Newton.

24-202

PRELIMINARY PLAT. The subdivider shall submit a preliminary plat to the Director of Community Development in accordance with the following standards.

- (a) The applicant shall submit a complete preliminary plat form available at the Department of Community Development and twenty-six (26) copies of a preliminary plat to the Director of Community Development, together with any supplementary data specified by these regulations, at least twenty-one (21) days prior to a regularly scheduled Planning Commission meeting.
- (b) The applicant shall pay all filing fees associated with preliminary plats as adopted by the appropriate Governing Body before the plat is accepted for review by the city staff and Planning Commission.
- (c) The preliminary plat shall contain the information and data as set forth in Section 24-302.
- (d) The Director of Community Development is authorized to reject an incomplete submission form or preliminary plat that fails to comply with the requirements set forth in Section 24-302.
- (e) The Director of Community Development shall distribute copies of the preliminary plat to city departments and officials for review and comment.
- (f) The city staff review team, which consists of the Director of Community Development, City Engineer, and Zoning Administrator, shall review the preliminary plat. The Director of Community Development shall prepare a staff report containing any changes and/or additions, and recommendation for approval or denial.

24-203

PRELIMINARY PLAT ACTION.

- (a) **PLAT APPROVAL.** The Planning Commission shall approve, conditionally approve, or disapprove the plat, within 60 days from the date of the first hearing, unless such time is extended by mutual consent. If the Planning Commission finds that the preliminary plat does not conform to the requirements of these regulations, the applicant shall be notified in writing indicating the ways in which the preliminary plat fails to conform to these regulations.
- (b) **ADDITIONAL CRITERIA FOR REVIEW.** The Planning Commission shall also review the plat, using reasonable criteria, to assure conformance with the comprehensive plan, environmental impact, utility and municipal service requirements, financial assurance, and other applicable provisions of ordinances, regulations, or policies of the City of Newton or North Newton.
- (c) **PUBLIC IMPROVEMENTS.** The Planning Commission shall require the applicant to indicate on the plat all streets and public improvements to be dedicated, all special districts for water, fire, drainage, street, and utility improvements.
- (d) **EFFECTIVE PERIOD OF PRELIMINARY PLAT.** Approval of a preliminary plat shall be effective for no more than one year from the date approval was granted. If a final plat, or phase of a final plat, has not been submitted, approved, and filed within such one-year period, a preliminary plat must be resubmitted to the Planning Commission.

24.204 FINAL PLAT. If the Planning Commission approves a preliminary plat, the applicant may submit a final plat to the Planning Commission for a compliance review. The subdivider shall file a final plat with the Director of Community Development in accordance with the following standards.

- (a) The applicant shall submit a complete final plat form available at the Department of Community Development and twenty-six (26) copies of a final plat to the Director of Community Development, together with any supplementary data specified by these regulations, at least twenty-one (21) days prior to a regularly scheduled Planning Commission meeting.
- (b) The applicant shall pay all filing fees associated with final plats as adopted by the Governing Body before the final plat is accepted for city staff and Planning Commission review.
- (c) The final plat shall contain the information and data as set forth in Section 24-303.
- (d) The Director of Community Development is authorized to reject an incomplete submission form or final plat that fails to comply with the requirements set forth in Section 24-303.
- (e) The Director of Community Development shall distribute copies of the final plat to city departments and officials for review and comment.
- (f) The city staff review team, which consists of the Director of Community Development, City Engineer, and Zoning Administrator, shall review the final plat. The Director of Community Development shall prepare a staff report containing any changes and/or additions, and recommendation for approval or denial.
- (g) The subdivider shall submit a digital version of the plat to the Community Development Department in a format approved by the Director. The digital file shall be registered to the State plane coordinate grid used by the City of Newton and Harvey County.

24-205

FINAL PLAT ACTION.

- (a) PLANNING COMMISSION ACTION. A majority of the membership of the Planning Commission shall approve, conditionally approve, or disapprove within 60 days from the date of the filing of the plat, unless such time is extended by mutual consent.
 - □ The question of final approval will be placed upon an agenda at the regularly scheduled meeting of the Planning Commission.
 - • □ No final plat shall be considered for final approval or acceptance unless all provisions of these regulations have been met, including compliance with the conditions set forth by the Planning Commission on the preliminary plat.
 - • • □ The Planning Commission is authorized to require the modification of a final plat to conform to these regulations, or to modify or add conditions to any final plat when such action increases the public convenience, conforms to the goals of the

comprehensive plan, supports property values, or secures the public health, safety and welfare.

- ◆ □ If the Planning Commission finds that the final plat does not conform to the requirements of these regulations, the applicant shall be notified in writing indicating the ways in which the final plat fails to conform to these regulations.
- ◆ □ An approved overall preliminary plat may be final platted in phases rather than as a whole.
- ◆ • □ No public notice or public hearing is required for a final plat.
- ◆ • • □ If the final plat is approved, the Planning Commission Chair shall date and endorse the original final plat.

(B) GOVERNING BODY ACTION. After the Planning Commission approves the final plat, the Governing Body shall examine the final plat to ensure conformance with all city road standards, offers of dedication, and financial assurances. Within 30 days of the receipt of the plat, the appropriate Governing Body must either resolve to accept the plat, require modifications to conform to development standards and policies, return the plat to the Planning Commission for modification, or refuse its acceptance. If returned to the Planning Commission or refused, the reasons shall be set forth in writing.

(C) AFFECT OF DENIAL FOR PUBLIC ACCEPTANCE. If a final plat is refused because of failure to adhere to road standards, or if offers of dedication would be contrary to public policy, the matter has reached closure, and the plat may not be filed.

24-206. RECORDATION OF PLAT.

- (a) Upon approval of a final plat, and acceptance of all dedications by the Governing Body, and upon submission of all documents and signatures required as part of a final plat, the Director of Community Development shall release the final plat to be filed with the Harvey County Register of Deeds.
- (b) The subdivider shall be responsible for the recording fee and any outstanding real estate taxes and special assessments, and submitting three (3) reproducible copies of the recorded final plat to the Director of Community Development.
- (c) If all documents and signatures are not submitted within one (1) year of the date of acceptance of dedications, or within one (1) year of the approval of the final plat, whichever is later, the approval of said final plat shall be deemed to have been withdrawn and said final plat shall not be filed until it has been submitted again for approval.
- (d) No construction or building permits shall be issued until the final plat is recorded.

24.207. RESUBDIVISION OR REPLATS.

Any previously subdivided tract(s) may be resubdivided after submission of a new or corrected plat. Resubdivided plats may be used for the following purposes:

- □ The division of any existing lot into two or more additional lots.
- • □ The correction of any monument, distances, and/or bearing.
- • • □ The addition or removal of any easement, the removal of any lot line, or the vacation of a public street(s).
- ◆ □ The vacation of a lot(s) from an existing subdivision.

◆ □ The renaming of an existing plat.

(b) TITLE BLOCK. All resubdivision plats shall contain the title RESUBDIVISION or REPLAT followed by the original title of the plat and, if applicable, the lot(s) that are to be divided: i.e., "A Replat of Lots 1 and 2 of Wildcat Subdivision".

(c) RENUMBERING OF EXISTING LOTS USING RESUBDIVISION. When one or more lots are created from an existing numbered (or lettered) lot(s), the numbering of new lot(s) shall conform to the requirements set forth in Section 24-304(f) of these regulations, and be subject to review and approval of City staff.

24.208. CONCURRENT PLAT APPROVAL. The Director of Community Development is authorized to decide if a preliminary plat and final plat for the same property can be filed and placed on the Planning Commission agenda for concurrent approval.

24.209. DEVELOPMENT AGREEMENTS. The Governing Bodies may enter into a development agreement:

(a) PURPOSE AND INTENT: The purpose of a development agreement is to implement one or more of the following policies:

- □ Advancement and not mere conformity to the adopted comprehensive plan, capital improvements program, financing strategies and the implementation of zoning, subdivision, environmental, and related ordinances.
- • □ Advancement of critical goals, objectives, policies, and strategies of Newton and North Newton.
- • • □ Contributions of infrastructure both onsite and offsite in excess of those merely required by existing regulations.
- ◆ □ Provision for joint public-private development that provides revenue enhancement for the City of Newton or North Newton.
- ◆ □ Protection of open space, environmentally sensitive lands, natural habitats, historic and archeological resources, regional or statewide facilities, in excess of what can be required under existing regulations.
- ◆ • □ Utilization of flexible and innovative techniques, including land acquisition funding; solar, light, energy, noise, advanced design, mixed use, new town, and heightened performance standards.

(b) GENERAL. The development agreement shall constitute a binding contract between the subdivider of the proposed subdivision and the municipality (the parties) and shall contain those terms and conditions

agreed upon to by the parties and those required by this Section 24-209. The Newton or North Newton City Attorney is authorized to negotiate development agreements on behalf of the appropriate municipality.

- (C) THIRD PARTY RIGHTS. Except as otherwise expressly provided in the development agreement, the development agreement shall create no rights enforceable by any party who/which is not a party to the development agreement.
- (D) LIMITATION ON LIABILITY. The development agreement shall contain a clause that any breach of the development agreement by the municipality shall give rise only to damages under state contract law and shall not give rise to any liability for violation of the fifth and fourteenth amendments of the U.S. Constitution or similar state constitutional provisions.
- (E) DEVELOPER'S COMPLIANCE. The development agreement shall include a clause that the government's duties under the agreement are expressly conditioned upon the subdivider's substantial compliance with each and every term, condition, provision, and covenant of the agreement, all applicable federal, state and local laws and regulations, and its obligations under the subdivision improvement agreement.
- (F) ADOPTION. The development agreement shall be adopted by the Governing Body pursuant to applicable state and local laws and shall be recorded in the appropriate City Clerk and Harvey County Register of Deeds.
- (G) INCORPORATION AS MATTER OF LAW. All clauses, covenants, and provisos required by these regulations to be included in a development agreement shall be incorporated into the development agreement as a matter of law without respect to the intent of the parties.

ARTICLE 3. CONTENTS OF PRELIMINARY AND FINAL PLATS

- 24-301. PURPOSE. The purpose of this article is to identify the application submission requirements for preliminary and final plats.
- 24-302. PRELIMINARY PLAT. Unless waived by the Director of Community Development or City Engineer, all preliminary plats shall contain the following information:
- (a) Vicinity map showing the location of the proposed subdivision.
 - (b) A north point and scale of one inch equals 100, feet, unless the City Engineer approves an alternate scale.
 - (c) A legal description and a current zoning designation.
 - (d) Names of applicant, developer/subdivider, title of subdivision and proposed street names.
 - (e) Name and seal of surveyor/engineer.
 - (f) Date surveyed.
 - (g) Adequate legend.
 - (h) Reserved for future amendment.
 - (i) Block and lot numbers and dimensions of blocks and lots.
 - (j) Complete outline drawing of all boundaries, lots, and streets, together with courses, distances and areas. Boundaries shall be shown as solid lines and all easements or required yards as dashed lines.
 - (k) Proposed streets, road, alleys, and sidewalks (including location, width, names, approximate grade), and their relation to platted streets, proposed streets, or streets as shown on any recorded plat of adjacent property. Street names of all existing streets shall be identified.
 - (l) Rights-of-way and/or easements proposed to be created for all drainage purposes, utilities, walkways, access, and other purposes.
 - (m) The location of the water/sewer distribution/collection system; the plat must show that these systems touch upon each lot, or in an easement appurtenant to each lot.
 - (n) Total acreage and size of each lot in a data table.
 - (o) Contours at vertical intervals of two feet unless the City Engineer approves an alternate interval.
 - (p) Setbacks, yards and any entrance restrictions. Setbacks shall be shown as a building envelope representing that portion of the lot within the yards and setbacks that can reasonably contain, depending upon watercourses, topography or geology, and the principal structure.
 - (q) Location and direction of all watercourses and of the 100-year floodplain.
 - (r) Existing features such as ponds, lakes, wetlands, and wooded areas.
 - (s) Existing use of the property including the location of all existing structures showing those that will be removed and those that will remain on the property after the final plat is recorded.

- (t) If the subdivision is scheduled for phasing then each phase shall be clearly indicated on the plat.
- (u) Horizontal location within the subdivision and the horizontal location in the adjoining streets and property of existing sanitary and stormwater sewers, including flow lines, water mains, culverts, underground wiring, pipelines and gas lines proposed to serve the property to be subdivided.
- (v) Location, description and elevation of all benchmarks established or source used for vertical control.
- (w) Sites proposed for dedication as drainageway, park, school or other public purpose.

24-303.

SUPPLEMENTAL INFORMATION FOR PRELIMINARY PLATS. The following supplementary information shall be submitted with the preliminary plat or be included thereon.

- (a) The preliminary plat shall contain data, analysis, information and supplemental maps of surrounding property in sufficient detail regarding stormwater drainage issues, as determined by the City Engineer. The City Engineer may request additional data, analysis, information and supplemental maps from the applicant regarding stormwater drainage, as appropriate.
- (b) On lots adjacent to all drainage easements and on drainageways that are designated by the City Engineer, the preliminary plat shall indicate:
 - i. The required minimum habitable floor elevations for structures on the lot; or,
 - ii. The minimum elevation for a foundation opening(s) that shall be certified by a licensed land surveyor or engineer.
 - iii. Lacking a drainage easement or drainageway, all lots shall drain to streets.
- (c) A copy of the proposed restrictive covenants.
- (d) The preliminary plat shall show the location of adjoining lots, parcels, structures, and natural features in the nearby vicinity.
- (e) A statement as to the general nature and type of improvements proposed for the subdivision, and in what manner the subdivider intends to provide for their installation, e.g. petition, actual construction, escrow deposit, performance bond.

24-304.

FINAL PLAT. All final plats shall contain the following information:

- (a) Final plats shall be prepared at a scale of not less than one inch represents one hundred feet.
- (b) The words "FINAL PLAT" followed by the name of the subdivision.
- (c) A legal description of the subdivision boundaries.
- (d) The instrument of survey, which shows the point of beginning, corners, bearings, courses, distances, exterior boundaries, interior lot boundaries, pins, monuments found or set. All points of intersection (P.I.'s), including

the boundary corners, shall be monumented with a ½ inch by 24 inch iron bar set in concrete. Additional data shall be included in accordance with K.A.R. 66-12-1 "Minimum Standards for the Practice of Land Surveying" (current or as amended).

- (e) Either individual notations or a table showing: All lot sizes, building setbacks, and building envelopes {if envelopes are required by ordinance (i.e. PUD) or staff}. A lot envelope indicates the area of a lot, which may be used for structure development when physiography, drainage or general soil conditions restrict building practices.
- (f) Block and lot numbers and dimensions of blocks and lots. Blocks shall be numbered clearly in the center of the block, within a circle.
- (g) Reserved.
- (h) All streets right-of-way with curve data, which shall include radius, arc length, chord length, and central angle.
- (i) Ingress/egress limitations if required.
- (j) Method of water and sewer service.
- (k) The location of existing and proposed easements, with widths.
- (l) Person or entity responsible for maintaining each easement.
- (m) An instrument of dedication for all streets and easements
- (n) Special notations required as a condition of platting by the Planning Commission.
- (o) Reserved.

24-305

REQUIRED CERTIFICATES.

- (a) Owner's Certificate with Notary Certificate and Seal.
- (b) Certificate of the Newton or North Newton Governing Body signature block indicating approval of the plat and acceptance of the public dedications;
- (c) {Attest} signature block for City Clerk with date.
- (d) Newton, North Newton Area Planning Commission approval as evidenced by the signature of the Chair and Secretary.
- (e) City Attorney
- (f) Certificate of the Register of Deeds.
- (g) Surveyor's Certificate and Seal.
- (h) City Engineer's Certificate.
- (i) Certificate of review by the County Surveyor or designee indicating that the plat and survey description has been reviewed and approved.
- (j) Special Certificates as required.
- (k) County Clerk Transfer of Record.

ARTICLE 4. MINIMUM SUBDIVISION DESIGN STANDARDS

24.401 PURPOSE. The purpose of this article is to provide reasonable standards of design for the subdivision and resubdivision of land. The Planning Commission shall study and review all subdivision plats in relation to the general character of the area, the general requirements of the community, and the particular requirements of the neighborhood. These design standards shall guide private and public policy regarding the efficient layout and design of public improvements.

24.402 PUBLIC WATER AND SEWER CONNECTIONS. No preliminary plat shall be approved unless the Planning Commission determines that public facilities will be adequate to support and service the area of the proposed subdivision. The intent is to maximize local municipal coordination of public facilities in accordance with the comprehensive plan and capital improvement program.

24.403 GENERAL DEVELOPMENT. Subdivisions, resubdivisions and all related improvements shall be planned, designed, and constructed in accordance with the standards and specifications set forth in this Article.

- (a) A subdivision shall be designed to comply with the Newton-North Newton Comprehensive Plan.
- (b) The name of the subdivision shall not duplicate or closely approximate that of any existing development within the postal delivery areas of Newton. The Planning Commission shall approve all subdivision names.
- (c) The name of any new subdivision road shall not duplicate or closely approximate that of any existing road within the postal delivery area of Newton. The Planning Commission shall approve all street names.
- (d) The purchase and installation of all facilities and utilities shall be the responsibility of the developer. No building permit may be issued unless the City Engineer inspects and certifies that all public improvements have been properly installed.
- (e) The Planning Commission may require the dedication of parklands (or a payment in lieu of parklands), open space, easements for the construction of public streets and sidewalks, and such other lands that are necessary to further the goals of the comprehensive plan. All such dedications shall be generally proportional to the impact of development.
- (f) All subdivisions shall be designed according to "best practices" that emphasize good landform and drainage, the preservation of natural features, safe transportation facilities, and promote the goals of pedestrian and traffic connectivity.
- (g) The Planning Commission shall have the power to impose reasonable conditions on the subdivision of land as a valid exercise of the police power granted to Kansas municipalities to protect the health, safety, and welfare of current and future residents.
- (h) Any land that the Planning Commission finds unsuitable for subdivision and subsequent development due to flooding, improper drainage, steep slopes, rock formations, topography, inadequacy of utility easements, or other features that will reasonably effect the public health, safety, and

welfare shall not be subdivided or developed until reasonable and adequate methods are formulated by the developer and approved by the Planning Commission to solve the problems of adverse development conditions.

24.404 LOT DESIGN AND LAYOUT. All lots and landform design shall be planned in accordance with the following general standards.

- (a) The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision for the type of development and use contemplated.
- (b) All subdivisions shall conform to policies for subdivision design in the comprehensive plan and regulations contained in the Zoning Ordinance of the Cities of Newton and North Newton.
- (c) All lots shall be designed and arranged with safe access to a public street. Where driveway access from an arterial or a collector street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards.
- (d) Lot arrangement shall be designed to provide positive drainage to the municipal storm water system.
- (e) All subdivisions shall conform to the requirements of the Newton or North Newton Flood Plain Regulations.
- (f) Side lines of lots shall be at right angles or radial to the street lines, unless a variance is granted to provide a better street and lot plan. The angle of variation will be marked on the plat. Lot lines shall be straight, when not adjacent to street right-of-way.
- (g) Flag lots or private travel easements shall not be permitted except by a specific plat variance issued by the Planning Commission.
- (h) The minimum lot areas and widths, measured at the setback lines, shall conform to the requirements of the Newton-North Newton Zoning Ordinance.
- (i) Lots that front upon a cul-de-sac or curved street having a radius of 200 feet or less shall be measured at the building setback line along an arc parallel to the right-of-way of such cul-de-sac or curved street. Such lots shall also be laid out so that their lot frontage, as measured on the arc of such right-of-way line, is not less than fifty (50) percent of the required lot width measured at the building setback line.
- (j) The maximum depth of all lots shall not exceed two and one-half times the width of the lot. The width of an irregularly shaped lot shall be measured at the rear lot line.
- (k) All lot corners and points-of-intersection shall be monumented in accordance with a 1/2 inch by 24 inch iron bar set in concrete.
- (l) Corner lots for residential use shall have extra width to permit appropriate building setback from an orientation to both streets.
- (m) Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from arterial

streets or to overcome specific disadvantages of topography or orientation. No access shall be allowed from individual lots to arterial streets.

- (n) If an owner places restrictions on any lot that are greater than those imposed by these subdivision regulations, or by the Zoning Ordinances of Newton or North Newton, such restrictions or a reference thereto shall be placed on the final plat.

24.405 BLOCKS. Intersecting streets determining block lengths shall be provided at such intervals as to serve cross traffic adequately and to meet existing and future streets. In residential districts, where no existing plats are recorded, the blocks shall not exceed 1,300 feet in length, unless previous adjacent layout or topographical conditions justify a variation from this requirement. Blocks planned for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth. Blocks intended for commercial or industrial use shall be designed specifically for such purpose, with adequate space set aside for off-street parking and loading.

24.406 STREETS AND CIRCULATION. The plan for general circulation and the development of all streets shall be prepared in accordance with the following standards.

- (a) CLASSIFICATION. The arrangement of arterial, collector, and local streets shall conform to the major thoroughfare system and policies identified in the comprehensive plan.
- (b) TOPOGRAPHY. Streets shall be related appropriately to the topography. Local streets may be designed to a curvilinear, gridiron, or modified-grid system. Grades of streets shall conform as closely as possible to the original topography. Steep grades and curves shall be avoided.
- (c) ARRANGEMENT. All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way. Additionally, all streets shall be properly related to specific traffic generators and to the pattern of existing and proposed land uses.
 - i) Where required by the Planning Commission, rights-of-way shall be provided for extending streets to adjoining unsubdivided property. Land in such rights-of-way shall be dedicated to the appropriate City.
 - ii) Rights-of-way shall be designated along all section and quarter section lines. Section line right-of-way shall be for arterial streets; quarter-section right-of-way shall be for collector streets at their designated widths, unless topographic conditions or other circumstances justify otherwise.
 - iii) Where a proposed subdivision abuts an approved subdivision containing future street rights-of-way, the developer of the proposed subdivision shall construct the street and all required improvements from the proposed subdivision to the approved street in the existing subdivision.
 - iv) New streets shall be extended to the boundaries of the subdivision to provide access to adjoining property, and shall intersect with existing streets.

- v) When a subdivision borders on, or contains a railroad right-of-way or a limited access highway, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
 - vi) Local streets shall be so designed as to discourage through or non-local traffic.
 - vii) Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right angle intersection, the Planning Commission may authorize a variation with a minimum angle of eighty (80) degrees.
 - viii) When deemed necessary, the developer shall provide appropriate traffic calming.
- (d) **CONNECTIVITY.** In order to promote connectivity to adjacent properties, every plat shall provide multiple access points, to the greatest extent possible. Streets in a proposed subdivision must connect, where feasible, to existing streets in abutting platted subdivisions.
- (e) **FRONTAGE ON IMPROVED STREETS.** No subdivision shall be approved unless it has access to a public street that has been suitably improved.
- (f) **PUBLIC STREETS.** All proposed new streets in a new subdivision shall become public streets and dedicated to the City of Newton or North Newton following a final inspection by the City Engineer. The subdivider shall warrant all repairs and reasonably necessary changes on the streets for a period of one year following the date of final acceptance by the City.
- (g) **HALF-STREET.** Dedication of half-streets shall not be approved.
- (h) **PRIVATE STREETS.** Private streets are generally discouraged; however, when private streets are approved as part of a subdivision, they shall meet the design standards for local streets of these regulations. Approval of a subdivision involving a private street shall be solely at the discretion of the Planning Commission. The right-of-way width and roadway width for private streets are the same as those required for public streets. Turnaround provision for private streets, with a single point of ingress and egress, are the same as are required for public streets. Applications for a private street shall be accompanied by a development agreement, which shall be recorded with the Harvey County Register of Deeds as part of the final plat. This agreement shall establish the conditions under which the street will be constructed and maintained, as well as the conditions controlling an offer of dedication, and shall stipulate:
- i) The street shall be constructed and maintained to conform to the Newton Design Standards and Standard Construction Specifications.

- ii) The owners of the abutting lots will include, with any future offer for dedication, sufficient monies, as estimated by the City Engineer, to restore the street to conformance with municipal standards.
 - iii) An offer for dedication of the street shall be made only for the street as a whole.
 - iv) The method of assessing maintenance and repair costs.
- (i) **GRADING AND CONSTRUCTION PLAN.** All streets shall be designed, graded, and improved in accordance with the design and construction standards of the City of Newton or North Newton.
- i) All streets shall be provided with a permanent surface and curbs and gutters that meet the specifications of the City of Newton or North Newton.
 - ii) All street pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the City of Newton or North Newton.
- (j) **STREET ALIGNMENT.** Minimum horizontal and vertical alignment on all streets, except in unusual cases, shall be as follows:
- i) **Horizontal Alignment: Radii at the Centerline**
 - Major Streets – 350 Feet
 - Local Streets – 100 Feet

A tangent of 25 feet, minimum, shall be provided between all reversed curbs to provide for a smooth flow of traffic.
- (k) **TEMPORARY TURNAROUND.** When a temporary turnaround is provided on a street that is to be extended in the future, the Planning Commission, with the assistance of the City Engineer, shall establish the width of the turnaround and the need for temporary easements. Temporary cul-de-sacs shall have, as a minimum, the same dimensions as a permanent cul-de-sac.
- (l) **CUL-DE-SACS.** Permanent cul-de-sacs (dead end streets) shall not be longer than 600 feet and a turn-around not less than 50 feet in radius shall be provided at each terminus to provide adequate provision for turn-around of emergency or commercial vehicles, such as fire trucks and school busses.
- (m) **ACCESS MANAGEMENT.** Access management includes the control of the spacing, location of driveways, side streets and intersections.
- i) **INTERSECTION SPACING BASED ON TRAFFIC SPEED.**

| MINIMUM INTERSECTION SPACING STANDARDS | |
|---|------------------------------|
| Through Traffic Speed | Minimum Intersection Spacing |
| 30 mph | 210 feet |
| 35 mph | 300 feet |
| 40 mph | 420 feet |

ii) DRIVEWAY SPACING FOR ARTERIAL STREETS.

| MAXIMUM DRIVEWAY GUIDELINES | | |
|--|--|--|
| | Driveway Spacing | |
| Maximum Number of Driveways | Undivided Arterial Streets Length of Lot Frontage | Divided Arterial Streets Length of Lot Frontage |
| 1 | 0 – 399 feet | 0 – 529 feet |
| 2 | 400 – 899 feet | 530 – 1,199 feet |
| 3 | 900 – 1,399 feet | 1,200 – 1, 859 feet |
| 4 | 1,400 – 1,899 feet ¹ | 1,860 – 2525 feet ² |
| ¹ For each 500 feet above 1,899, one additional driveway is permitted | | |
| ² For each 665 feet above 2,525 feet, one additional driveway is permitted. | | |

iii) DRIVEWAY SPACING ON ARTERIAL, COLLECTOR AND LOCAL STREETS. For arterial and collector streets, no driveway shall intersect the arterial or collector street within 150 feet of an intersecting street or driveway on the same property. For local streets, no driveway shall intersect the local street within 75 feet of another intersecting local street, except that a driveway for a low-density residential development may be reduced to 40 feet.

(n) STREETS FOR COMMERCIAL & INDUSTRIAL USE. The minimum right-of-way width of streets adjacent to an area designed, proposed, or zoned for commercial or industrial use may be increased by the Planning Commission to such extent as the Commission may deem necessary to assure the free flow of through traffic without interference from parked or parking vehicles.

i) MARGINAL STREET ACCESS. When blocks or lots in a proposed commercial or industrial subdivision front on any limited access highway or arterial street, the subdivider may be required to dedicate a marginal access street to provide ingress and egress to and from such blocks or lots.

(o) ACCESS TO ARTERIALS. When a subdivision is proposed to front on an arterial street, the following standards shall apply:

i) The subdivision shall be prepared so that the rear of all lots fronts the arterial street unless an intervening frontage access street is provided. No access shall be permitted from the lots directly to the arterial street and the developer shall provide an additional setback distance to separate the dwellings from the street R.O.W. and erect screening and sound absorbing systems.

ii) As an alternative, and approved by the Planning Commission, the subdivision may be separated from the arterial streets by a service or frontage road. The frontage road shall be separated from the arterial street by at least 20 feet and planted with grass and other landscaping material suitable for a sound barrier.

(p) **SITE DISTANCE CLEARANCE.** Clear sight triangles of 50 feet measured along the street right-of-way lines from their points of junction shall be provided at all intersections, and no obstruction shall be higher than 2 feet above the center line within the sight triangle.

(q) **RESERVED.**

(r) **MINIMUM STREET DESIGN STANDARDS**

| MINIMUM DESIGN STANDARDS FOR ARTERIAL, COLLECTOR, AND LOCAL STREETS | | | | | | |
|--|---------------|------------------------|-----------------------|----------------------|---------------------|----------------------|
| Street Class | R.O.W. | Number of Lanes | Pavement Width | Maximum Grade | Design Speed | Design Volume |
| Arterial | | | | | | |
| | 100 –120 ft | | | 6 % | 45 mph | |
| Lane Configuration | | | | | | |
| Moving Lanes | | 4 | 12 ft.0 | | | 24,000 vpd |
| Turning Lanes | | 1-2 | 10 ft. | | | 12,000 vpd |
| Parking Lanes | | None | | | | |
| Collector | | | | | | |
| | 80-90 ft | | | 8 % | 30-35 mph | |
| Lane Configuration | | | | | | |
| Moving Lanes | | 2 | 11 ft. | | | 12,000 vpd |
| Turning Lanes | | 0-1 | 10 ft. | | | |
| Parking Lanes | | 0-2 | 9 ft. | | | |
| Local | | | | | | |
| | 60-70 ft. | | | 10 % | 25 mph | |
| Lane Configuration | | | | | | |
| Moving Lanes | | 2 | 10 ft. | | | 1,500 vpd |
| Turning Lanes | | 0-1 | 9 ft. | | | |
| Parking Lanes | | 1-2 | 7 ft. | | | |
| * When existing or anticipated traffic on arterial and collector thoroughfares warrants greater widths of rights-of-way, the additional width shall be provided. | | | | | | |

24-407 **PEDESTRIAN ACCESS.** The Planning Commission may require, in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby streets, pedestrian easements at least ten (10) feet in width, unless modified by the Commission. Pedestrian easements and maintenance responsibility thereof, shall be indicated on the plat.

24-408 **BICYCLE AND LINEAR TRAIL ROUTES (Reserved)**

24-409 **SUBDIVISION ENTRANCES AND DECORATIVE STRUCTURES.** Where one or more entrance or street structures or ornaments, such as monuments, pillars, fences, walls, statues or other decorative features are to be installed in a permanent fashion. Such features shall be located on private property, and the bylaws of the homeowners association shall indicate permanent responsibility for maintenance and repair.

24-410 **STORM DRAINAGE.** Minimum design standards applicable to storm drainage plans and related design are found in the City of Newton Design Standards and Standard Construction Specifications.

24-411

EASEMENTS AND RESERVATIONS: All permanent and temporary easements shall be prepared for dedication in accordance with the following standards and specifications.

- (a) All public utility installations, including lines for street lighting systems, which traverse privately owned property, shall be protected by easements granted by the developer to the public and appropriate public utility. Such easements shall be located so as to not interfere with the use of any lot or other part of the subdivision. The size of, and restrictions pertaining to, such easements shall be in accordance with the standards and specifications of the agency having jurisdiction over the utility lines if such standards and specifications are greater than those imposed by this ordinance.
- (b) Permanent easements for utilities and facilities shall be provided at the rear line of all lots. The Planning Commission may also provide for utility easements on side lot lines when necessary. Easements shall be 20 feet in width (or 10' companion easements) except the easements for street lighting purposes may be 10 feet in width.
- (c) A twelve (12) foot temporary construction easement shall be provided on each side of the permanent twenty (20) foot easement required in (c) above for initial construction of water, sewer, and other utility lines. The temporary easement shall be considered released after the installation of all utilities. The temporary easement may be shown on the plat by footnote.
- (d) Where a lot or group of lots side or back on an existing high-pressure oil or gas transmission line, a 35 foot easement, at a minimum, shall be provided on each side of the line. The easement width will be greater if required by the owner of the line or if a greater distance, in the opinion of the Planning Commission, is warranted. Where a lot or group of lots side or back on an existing electrical transmission line, an easement will be provided as required by the owner of the line.
 - (e) If a subdivision is traversed by a water course, drainage way, or channel, then a storm water easement or drainage right-of-way shall be provided. The easement shall conform substantially to the lines of such water course and shall be of such width or construction or both, as may be necessary to provide adequate storm water drainage and access for maintenance. The final plat shall indicate maintenance responsibilities of such areas.
- (F) A drainage easement(s) on land subject to rapid storm water discharge may be required by the Planning Commission. The easement may also provide for the installation of storm water retention or detention basins as directed by the Planning Commission. All such basins shall be designed by a professional Civil Engineer registered in the State of Kansas.

24.412.

RESERVED.

24-413.

SEDIMENTATION & EROSION CONTROL. All subdivisions shall be prepared in accordance with State of Kansas NPDES Standards.

ARTICLE 5. REQUIRED PUBLIC IMPROVEMENTS

- 24-501. **PURPOSE.** The purpose of this article is to advance the orderly development of the City of Newton or North Newton. These required public improvements are established to ensure that adequate public facilities are available and will have sufficient capacity to serve new developments; to provide stormwater drainage and retention/detention, streets, sidewalks, and other public facilities.
- 24-502. **GENERAL PROVISIONS.** All improvements required under the provisions of this Article shall be constructed in accordance with the design standards and plan requirements of these subdivision regulations; the City of Newton Design Standards and Standard Construction Specifications, and, where applicable, the requirements and authorization of the appropriate state agency or utility company.
- 24-503. **GUARANTEE OF INSTALLATION.** The subdivider shall install or provide for the installation of all or a portion of the facilities and improvements required by the development policy and practices of the City of Newton or North Newton Governing Body. The Governing Body may, at its discretion, determine a reasonable method for insuring completion of improvements by the subdivider.
- 24-504. **SIDEWALKS.** Sidewalks shall be provided by the subdivider on both sides of all arterial, collector, and local streets, for all subdivisions located within the corporate limits of the Cities of Newton or North Newton, and shall comply with the City of Newton Design Standards and Standard Construction Specifications.

The Planning Commission may waive a sidewalk on one side, provided unique topography or other unique site conditions exist. If a sidewalk is constructed on one side of the street, the developer shall grade and prepare the opposite side of the street for future installation of the sidewalk. A median strip of grassed or landscaped area at least six (6) feet wide should separate all sidewalks from adjacent curbs.

Access ramps for disabled persons shall be installed whenever new curbing and/or sidewalks are constructed or reconstructed in the City of Newton or North Newton. Such ramps shall conform to the standards adopted by the City Engineer and each specific ramp location shall be subject to review and approval by the City Engineer. Two ramps shall be installed on each side of the street per lineal block, thereby providing reasonable access to crosswalks for handicapped persons. These standards shall apply to any City street or connecting street for which curbs and sidewalks are required by this ordinance or on which curb and sidewalk have been prescribed by the Governing Body.

- 24-505. **SEWAGE FACILITIES.**
- (a) All subdivisions platted after the adoption date of these regulations that are located within the corporate limits, of the City of Newton or North Newton shall be provided service from a municipal sanitary sewer system in accordance with the City of Newton Design Standards and Standard Construction Specifications.
- i) Proposed subdivisions located in the "Urban Service Areas" of the Future Land Use Plan map, of the City of Newton or North Newton shall first, seek annexation by the appropriate municipal jurisdiction and second, seek municipal subdivision plat approval.

- ii) Sewers shall be installed to serve each lot and to grades and sizes required by the City Engineer and appropriate Governing Body.
- iii) Septic tanks are prohibited on any land that is platted under these regulations and is located within corporate limits of Newton or North Newton.
- iv) The developer shall be responsible the creation of a sanitary sewer district to provide sewerage facilities to a subdivision when no district exists for the land to be subdivided.
- v) The cost of extending such municipal sewage facilities shall be borne in full by the developer and/or owners of the real estate constituting such subdivision or benefit district; except that the cost of extending utility mains may be borne in part by the City on a case by case basis.
- vi) Before a subdivision connects to a sewer main and/or installs laterals, the subdivision shall be annexed by the appropriate municipal jurisdiction.

24-506.

WATER FACILITIES.

- (a) All subdivisions platted after the adoption date of these regulations that are located within the corporate limits, and “Urban Service Areas” of the Future Land Use Plan map, of the City of Newton or North Newton shall be provided service from a municipal water sewer system in accordance with the City of Newton Design Standards and Standard Construction Specifications.
 - i) Proposed subdivisions located in the “Urban Service Areas” of the Future Land Use Plan map, of the City of Newton or North Newton shall first, seek annexation by the appropriate municipal jurisdiction and second, seek municipal subdivision plat approval.
 - ii) Adequate water facilities (including fire hydrants) shall be installed to serve the subdivision as required by the City Engineer and appropriate Governing Body.
 - iii) The subdivider shall be responsible the creation of a water-supply district to provide water facilities to a subdivision when no district exists for the land to be subdivided.
 - iv) The cost of extending such water facilities shall be borne in full by the developer and/or owners of the real estate constituting such subdivision or benefit district; except that the cost of extending water mains may be borne in part by the City on a case by case basis.
 - v) Before a subdivision connects to a water main, the subdivision shall be annexed by the appropriate municipal jurisdiction.

24-507.

STORM DRAINAGE FACILITIES. The subdivider shall construct storm drainage facilities in conformance with the City of Newton Design Standards and Standard Construction Specifications. The storm water drainage system shall be separate

and independent of any sanitary sewer system. A storm drainage plan shall contain such information as may be required by the City Engineer, and shall be reviewed and approved by the City Engineer.

- (a) If a drainage way is proposed over an area with existing physical features such as streams, ponds, ravines, wooded areas, or other natural features, the width and location of the drainage way shall be approved by the Planning Commission, following the recommendation of the City Engineer in order to protect the existing natural features.
- (b) All storm drainage systems shall be designed by a registered engineer and sized with capacity to permit ultimate development of the drainage basin, and the improvements shall be constructed to the extremities of the development where necessary to accommodate future extension.
 - (c) The subdivider shall dedicate to the City all public storm drainage facilities required by the City Engineer so as to provide for the drainage of storm water through the development. The subdivider shall convey permanent storm water maintenance easements to the City for all such facilities.
 - (d) The Planning Commission may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area, prohibit the subdivision of any portion of the property that lies within the flood plain of any stream or drainage course.

24-508. STREET LIGHTS. The City Engineer may require streetlights capable of illumination of streets and pedestrian walkways for safe movement of vehicles and pedestrians at night in accordance with the City's street light policy.

24-509. UNDERGROUND WIRING. All utility lines and mains including telephone, electric, cable television and street lighting lines, gas and water mains and other necessary facilities shall be installed underground, except for the following:

- (a) Lines rated over 3000 KV.
- (b) Appurtenance serving such lines that may be mounted on the ground, such as transformers, transformer pads, and telephone service pedestals. The City Engineer shall approve the location of such incidental appurtenances to ensure their location is not unsightly or hazardous to the public.
- (c) Proposed subdivisions or replats of existing subdivisions that are less than five (5) acres and located in developed areas which presently have an overhead type of distribution system.
- (d) The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities.

24-510. BENCH MARKS, MONUMENTS AND CORNERS.

- (a) BENCHMARKS. All elevations shown on plats shall be based on National Geodetic Survey (NGS) datum. The permanent bench mark location and description that is used to extend datum to the project shall be noted on the Preliminary and Final Plat.

(b) MONUMENT LOCATIONS.

- i) Permanent monuments shall be set at each and every controlling corner on the boundary of the parcel or tract being subdivided, and any controlled point included in the legal description of the property.
- ii) Permanent monuments shall be set at all lot and block corners.
- iii) In cases where the placement of a monument at its proper location is impractical, it shall be permissible to set reference monuments close to that point. If such reference monument is set, its location shall be properly shown on the plat. When conditions warrant setting a monument on an offset, the location shall be selected so that the monument lies on a line of the survey or on the prolongation of such line. Offsets shall be set at even foot intervals from the true location.

(c) CHARACTER, TYPE, POSITION, NOTED ON THE PLAN, AND APPROVAL.

- i) The character, type and position shall be noted on the plat, all distances must be expressed to the nearest hundredth of a foot.
- ii) Permanent monuments shall be of material capable of being detected by commonly used magnetic or electronic equipment.
- iii) The monument size shall be a solid steel rod of not less than 1/2" O.D.
- iv) The minimum length shall be 24".

(d) PLACEMENT.

- i) All boundary monuments and interior controlling corners shall be set prior to the filing of the final plat.

24-511.

OFF-SITE IMPROVEMENTS. The subdivider shall guarantee any off-site improvements determined by the Planning Commission to be necessary for the development of the proposed subdivision. Such off-site improvements may include, but shall not be limited to, construction of acceleration/de-acceleration lanes or other widening of existing street pavement, installation of street intersection signalization and/or channelization, street construction, installation of drainage channels or swales and the extension of municipal water, storm sewer or sanitary sewer lines.

ARTICLE 6. LOT SPLITS

24.601PURPOSE. These regulations are designed to provide for the division of a lot into not more than two lots that meet the minimum size and area requirements of the zoning district in which said lots are located. Any new lot created under the provisions of this article shall not be further subdivided without replatting.

24.602 GENERAL PROVISIONS. The owner of the land shall submit a lot split application to the Zoning Administrator in accordance with the following standards.

- (a) The applicant shall submit a complete lot split application form available from the Zoning Administrator and five (5) copies of a plot plan to the Director of Community Development, together with any supplementary data specified by these regulations.
- (b) The applicant shall pay all filing fees associated with a lot split as adopted by the appropriate Governing Body before the application is accepted for review by the city staff.
- (c) The plot plan shall be submitted as a certificate of survey and sealed by a licensed land surveyor or engineer in Kansas.

24.603 CONTENTS OF PLOT PLAN. The plot plan shall contain the following information:

- (a) Signature and date blocks for the Zoning Administrator and the Register of Deeds.
- (b) The location and dimension of existing structures and/or curb cuts on the lot with respect to the existing lot lines.
- (c) All platted building setbacks.
- (d) The dimensions of the proposed lots.
- (e) The legal description(s) for the proposed lots.
- (f) The current zoning of the subject parcel.
- (g) The total square footage contained in each of the two lots.
- (h) All existing easements and utilities. If the easements were granted by separate instrument the certificate of survey must contain a note indicating that these instruments are on file with the Register of Deeds.
- (i) Location and width of access ways, existing and proposed.
- (j) The Surveyor's signature, certificate and seal.
- (k) The Owner's signature.
- (l) Certificate that all taxes and special assessments due and payable have been paid. In the case of unpaid special assessments, a proposed redistribution of such unpaid special assessments which meets the city's requirements and is acceptable to the City Clerk and City Engineer.

24.604APPROVAL AUTHORITY. The Zoning Administrator or appointed agent is authorized to approve or disapprove lot splits with these regulations.

- (a) The Zoning Administrator shall provide a written approval, with or without conditions, or denial of the lot split within thirty (30) days after receiving a complete application.
- (b) The Zoning Administrator may provide conditions as deemed necessary to implement the intent and purpose of these regulations. Requirements may include, but are not limited to, installation of public facilities, dedication of right-of-way and easements.
- (c) If the application is approved, the applicant shall file the approved lot split with the Harvey County Register of Deeds. A copy of the filed request must be returned to the Zoning Administrator.

24.605 APPROVAL GUIDELINES. No lot split shall be approved if one or more of the following applies:

- (a) A new street or alley is needed or proposed.
- (b) There is less street or road right-of-way than required by these regulations.
- (c) A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
- (d) The lot split results in a lot or tract without direct access to a street.
- (e) The lot split results in a lot that does not meet minimum lot size, setbacks, or other requirements of the zoning regulations.
- (f) An easement requirement has not been satisfied.
- (g) A lot grading plan has not been approved by the City Engineer for the lot(s).

ARTICLE 7. DEFINITIONS

Definitions for the interpretation of the subdivision regulations are as follows:

1. **ACCESS CONTROL:** The limitation of public access rights to and from properties abutting streets or highways to preserve traffic service and to improve public safety.
2. **ALLEY:** A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.
 3. **BLOCK:** A unit of land bounded by streets, or by a combination of streets and public land, railway rights-of-way, waterways, or any other barrier to the continuity of development.
 4. **BUILDABLE AREA:** The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.
 5. **BUILDING ENVELOPE:** The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations and minimum yard setbacks.
6. **CAPITAL IMPROVEMENTS PROGRAM:** A proposed schedule of all future projects listed in order of construction priority together with cost estimates and anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.
7. **CITY:** The City of Newton or the City of North Newton, Kansas.
8. **CITY ATTORNEY:** The attorney designated by the City Manager to furnish legal assistance for the administration of these regulations.
9. **CITY ENGINEER:** The licensed engineer designated by the City Manager to furnish engineering assistance for the administration of these regulations.
10. **CITY PLANNER:** The person designated by the City Manager to administer these regulations as staff of the Planning Commission.
11. **COMPREHENSIVE PLAN:** A plan for the development of the locality and its environs, prepared and adopted by the Planning Commission, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.
12. **COMMON OWNERSHIP.** Ownership by one or more individuals in any form of ownership of two or more contiguous lots.
13. **COMPLETE APPLICATION.** An application form completed as specified by ordinance and the rules and regulations of the governmental agency and all accompanying documents and fees required by ordinance for approval of the application.
 14. **CUL-DE-SAC:** A local street with one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

15. DESIGN STANDARDS OR DESIGN REQUIREMENTS: All requirements and regulations relating to design and layout of subdivisions contained in these regulations.
16. DEDICATION, FEE IN LIEU OF: Payments in cash as an alternative to dedication of land or construction of improvements.
17. DEED RESTRICTION: A restriction upon the use of a property placed in a deed.
18. DETENTION BASIN: A facility for the temporary storage of stormwater runoff and the release of it gradually into a watercourse or storm water facility.
19. DEVELOPER: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.
20. DEVELOPMENT AGREEMENT: Agreement between the Governing Body and developer through which the Governing Body agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the developer in excess of those required under these regulations.
21. ENGINEER: An individual who is licensed to practice engineering in the state of Kansas.
22. EASEMENT: A permanent or temporary grant of right by the property owner to the public, a corporation, or another person or entity, of the use of a portion of a lot or tract of land for specified purposes where title to said portion of the lot or tract of land remains with the landowner.
23. EASEMENT, CONSERVATION: The grant of a property right stipulating that the described land will remain in its natural state and precluding future or additional development.
24. EASEMENT, DRAINAGE: Land required for the installation of stormwater sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.
25. ELEVATION. The horizontal alignment of a surface, as it exists or as it is made by cut and/or fill.
26. ENLARGEMENT: An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.
27. FRONTAGE: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.
 28. FRONTAGE ROAD: A public or private marginal access roadway generally parallel and contiguous to a street or highway and designed to promote safety by providing limited ingress and egress at more-or-less regular intervals.
 29. GRADE: The slope of a road, street, or other public way, specified in percentage terms.
 30. GRADE, FINISHED: The elevation of the ground level after development.
 31. GRADING: Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

32. GOVERNING BODY:

- a) City Commission: The City Commission of Newton, Kansas
- b) City Council: The City Council of North Newton, Kansas
- c) County Commission: The Board of County Commissioners of Harvey County, Kansas.

33. HALF-STREET: A street bordering one or more property lines of a subdivision tract to which the subdivider has allocated only a portion of the required street width.

34. IMPACT FEE: A fee imposed on a development to help finance the cost of improvements or services.

35. IMPROVEMENTS: See Lot Improvements or Public Improvements.

36. LATERAL: A utility line between a main line, located in a utility easement of street right-of-way, and the building which the line serves.

37. LOT: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

38. LOT, CORNER: A lot or parcel of land abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the applicant.

39. LOT, INTERIOR: A lot whose side lot lines do not abut upon any street.

40. LOT, FLAG: A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

41. LOT, REVERSE FRONTAGE: Lots which front on one public street and back on another.

42. LOT, DOUBLE FRONTAGE: See reverse frontage lot.

43. LOT COVERAGE: That portion of the net site area that is covered by the ground floor of any structure, parking lots, and private streets and drives. Pools, tennis courts, sidewalks are not counted toward lot coverage.

44. LOT DEPTH: The mean horizontal distance from the front lot line to the rear lot line.

45. LOT FRONTAGE: The length of the front lot line measured at the street right-of-way line.

46. LOT WIDTH: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.

47. LOT LINE, FRONT: The lot line separating a lot from a street right-of-way. In the case of a corner lot, a line separating the narrowest frontage of the lot from the street.

48. LOT LINE, REAR: The lot line opposite and most distant from the front lot line. In the case of a corner lot where there are two lot lines abutting intersecting streets, the front lot line shall normally

be the one with the shortest length. In the case of a through lot, the front lot line shall be the one adjacent to the street which provides primary access to the lot or towards which the main building on the lot is oriented.

49. LOT LINE, SIDE: Any lot line other than a front or rear lot line.
50. LOT OF RECORD: A lot that exists as shown or described on a plat or deed in the records of the Harvey County Register of Deeds.
51. LOT IMPROVEMENT: Any building structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.
52. LOT SPLIT: The dividing of a lot in a recorded plat into not more than two lots, subject to the provisions of these regulations.
53. MAJOR THOROUGHFARE PLAN: A plan for the development of arterial and collector streets as delineated in the Cities' Comprehensive Plans.
54. MARGINAL ACCESS STREET: A service street that runs parallel to a higher-order street and provides access to abutting properties and separation from through traffic. Marginal access street may be designed as a local or collector street according to anticipated daily traffic.
55. NET AREA OF LOT/SITE: The land area of a lot or tract remaining after subtraction of all public street and alley rights-of-way as are required by the zoning or subdivision regulations.
56. NONCONFORMING LOT: A lot existing on the effective date of these regulations that does not meet the minimum area requirement of the zoning district in which the lot is located.
 57. OFF-SITE IMPROVEMENT: Improvements required to be made off-site as a result of an application for development and including, but not limited to, road widening and upgrading, stormwater facilities, and traffic improvements.
 58. OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.
59. PEDESTRIAN WAY: A right-of-way dedicated to public use, which cuts across a block, tract, or parcel to facilitate pedestrian access to adjacent streets and properties.
60. PERFORMANCE GUARANTEE: Any security that may be accepted by the City of Newton or North Newton to assure that improvements required as part of an application for development will be satisfactorily completed.
61. PLANNING COMMISSION: The Newton-North Newton Area Planning Commission.
62. PLAT, FINAL: A plan or map prepared in accordance with the provisions of these regulations, which plat is prepared to be placed on record in the office of the Register of Deeds of Harvey County, Kansas.

63. PLAT, PRELIMINARY: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.
64. PLAT, SKETCH: A concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.
65. PUBLIC IMPROVEMENT: Any improvement, facility, or service together with its associated site or right-of-way necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that are usually owned and operated by a governmental agency.
66. PUBLIC UTILITIES: A closely regulated enterprise with a franchise for providing the public a utility service deemed necessary for the public health, safety, and welfare.
67. RESUBDIVISION: The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously approved and recorded according to law; or the alteration of any streets or the establishment of any new streets within any such subdivision, but not including conveyances, made so as to combine existing lots by deed or other instrument.
68. RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, shade trees, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.
 69. RURAL SEWER DISTRICT: A district formed in the unincorporated area of the county to provide public utilities.
 70. SETBACK LINE OR BUILDING LINE: A line on a plat, generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be altered or erected.
71. SEWAGE DISPOSAL SYSTEM, PRIVATE: A subsurface soil absorption system used for the collection and disposal of sewage from a single family dwelling.
72. SEWERAGE SYSTEM, PRIVATE: Any system that is not required to hold a National Pollutant Discharge Elimination System Permit (NPDES), or Kansas Water Pollution Control Permit, and includes wastewater disposal systems which function by soil absorption, evaporation, transpiration, holding tanks or any combination of the above.
73. STREET: A right-of-way, which affords principal means of vehicular access to property, abutting thereon.
74. STREET OR ROAD, PRIVATE: A non-dedicated way, which forms the principal vehicular access to a property or subdivision. A private drive serving one residence is not considered a private street or road.
75. STREET, PUBLIC: A right-of-way, which affords principal access to property abutting thereon, which right-of-way is owned, controlled and maintained by persons other than the public.
76. STREET CLASSIFICATION: For the purpose of providing for the development of the streets, highways, streets, and rights of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks,

each existing street, highway, road, and right-of-way, and those located on approved and filed plats, have been designated on the Thoroughfare Plan and classified therein, according to the following categories:

77. Arterial Street: A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials.
78. Collector Street: A street that collects traffic from local streets and connects with arterials.
79. Local Street: A street intended to provide access to other streets from individual properties.
80. SUBDIVIDER: Any person who 1) having an interest in land causes it, directly or indirectly, to be divided into a subdivision, or 2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision, or 3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unity, or plat in a subdivision; and who is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.
81. SUBDIVISION: The division of a lot, tract, or parcel of land into two or more lots, tracts, plots, sites, parcels, or other divisions of land for sale, development, or lease.
82. SUBDIVISION, URBAN: A subdivision located within the City of Newton or North Newton corporate city limits, or within the Urban Service Area as depicted in the Newton North Newton Comprehensive Plan.
83. SUBDIVISION, RURAL/SUBURBAN: A subdivision located in the unincorporated area of Harvey County, and also within the Long-Term Development Area as depicted in the Newton North Newton Comprehensive Plan.
84. SUBDIVISION IMPROVEMENT AGREEMENT: A contract entered into by the applicant and the Planning Commission on behalf of the municipality by which the applicant promises to complete the required public improvements within the subdivision within a specified time period following final subdivision plat approval.
85. SURVEYOR: An individual licensed to survey land in the State of Kansas.
86. URBAN FRINGE AREA: An area of anticipated urban growth or density as shown in the official comprehensive plan maps of the cities of Newton, North Newton, and Harvey County. Municipal annexation is encouraged to ensure that the staging of development corresponds with the availability of facilities and services.
87. VESTED RIGHT: A right that cannot be changed or altered by changes in regulation.
88. ZONING ADMINISTRATOR: The person designated by the City Manager to enforce the Zoning Ordinance.

**SAMPLE FINAL PLAT RECITATIONS
CITY OF NEWTON, KANSAS**

DEDICATIONS

STREETS: Streets shown on the plat and not heretofore dedicated to the public are hereby so dedicated.

BUILDING LINES: Building lines or setback lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

[Insert other matters of dedication as appropriate.]

The undersigned, do hereby certify that _____
are the owners of the property described hereon and have subdivided the same into Lots and Blocks in the manner shown on the accompany plat, and hereby make the above-recited dedications. Said subdivision shall be known as " _____", and addition to the City of _____, Harvey County, Kansas.

Insert Name of Owner

Insert Name of Owner

STATE OF KANSAS, COUNTY OF HARVEY, SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ AD, by _____ and _____.

My Commission Expires: _____

Notary Public

APPROVAL AND RECORDING

STATE OF KANSAS, COUNTY OF HARVEY, SS:

This plat of " _____", an addition to the City of _____, Harvey County, Kansas has been submitted to and approved by the Newton-North Newton Area Planning Commission and is hereby transmitted to the governing body of the City of _____, Kansas. Dated this _____ day of _____, 20____.

Harry E. Wolfe, Chairman

Timothy R. Johnson, Secretary

STATE OF KANSAS, COUNTY OF HARVEY, SS:

The dedications shown on this plat are hereby accepted and this plat is hereby approved by the governing body of the City of _____, Kansas, on this _____ day of _____, 20____.

H. Grant Scott, Mayor

Ronald R. Ahsmuhs, City Clerk

STATE OF KANSAS, COUNTY OF HARVEY, SS:

This Plat (or Replat) of _____ to the City of Newton, Harvey County, Kansas has been submitted to me and the same is hereby approved on this _____ day of _____, 20____.

Robert D. Myers, City Attorney

STATE OF KANSAS, COUNTY OF HARVEY, SS:

This Plat (or Replat) of _____ to the City of Newton, Harvey County, Kansas has been submitted to me and the same is hereby approved on this _____ day of _____, 20____.

Suzanne C. S. Loomis, P.E., City Engineer

STATE OF KANSAS, COUNTY OF HARVEY, SS:

I hereby certify that I have reviewed the surveyed plat and certify said plat to be in compliance with the requirements of K. S. A. 58-2005.

License No.

Registered Land Surveyor

STATE OF KANSAS, COUNTY OF HARVEY, SS:

This is to certify that this instrument was filed for record in the Register of Deeds office on the _____ day of _____, 20____ at ____:____.M. and the same is duly recorded as follows:
Miscellaneous Book: _____ Page: _____

Margaret A. Hermstein, Register of Deeds

Michelle Schuckman, Deputy Register of Deeds

Entered on Transfer Record the _____ day of _____, 20____.

Margaret Wright, County Clerk

**SUBDIVISION REGULATIONS
FOR
CITY OF NEWTON, KANSAS
CITY OF NORTH NEWTON, KANSAS**

APPROVED BY THE NEWTON/NORTH NEWTON
AREA PLANNING COMMISSION JUNE 3, 2002

ADOPTED BY THE NEWTON CITY COMMISSION JUNE 25, 2002

ADOPTED BY THE NORTH NEWTON CITY COUNCIL JULY 8, 2002

PRELIMINARY PLAT

WESTWOOD

A REPLAT OF A PORTION OF BLOCK 10, ROYER WEST A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 23 SOUTH, RANGE 1 WEST 6TH PRINCIPAL MERIDIAN, CITY OF NEWTON, HARVEY COUNTY, KANSAS.



- LEGEND
- Proposed Boundary Lines
 - Surveyed Boundary Lines
 - Easements
 - Right-of-Way
 - Right-of-Way Extension
 - Right-of-Way Extension
 - Right-of-Way Extension

EXPLANATION

A copy of this plat is on file in the office of the County Clerk of Harvey County, Kansas, at the City of Newton, Kansas, and a copy of the same is on file in the office of the County Clerk of Harvey County, Kansas, at the City of Newton, Kansas. The plat is subject to the provisions of the Kansas Statutes in that behalf made.

THE SURVEY WAS MADE BY THE SURVEYOR OF HARVEY COUNTY, KANSAS, AT THE CITY OF NEWTON, KANSAS, ON THE 15TH DAY OF FEBRUARY, 1927.

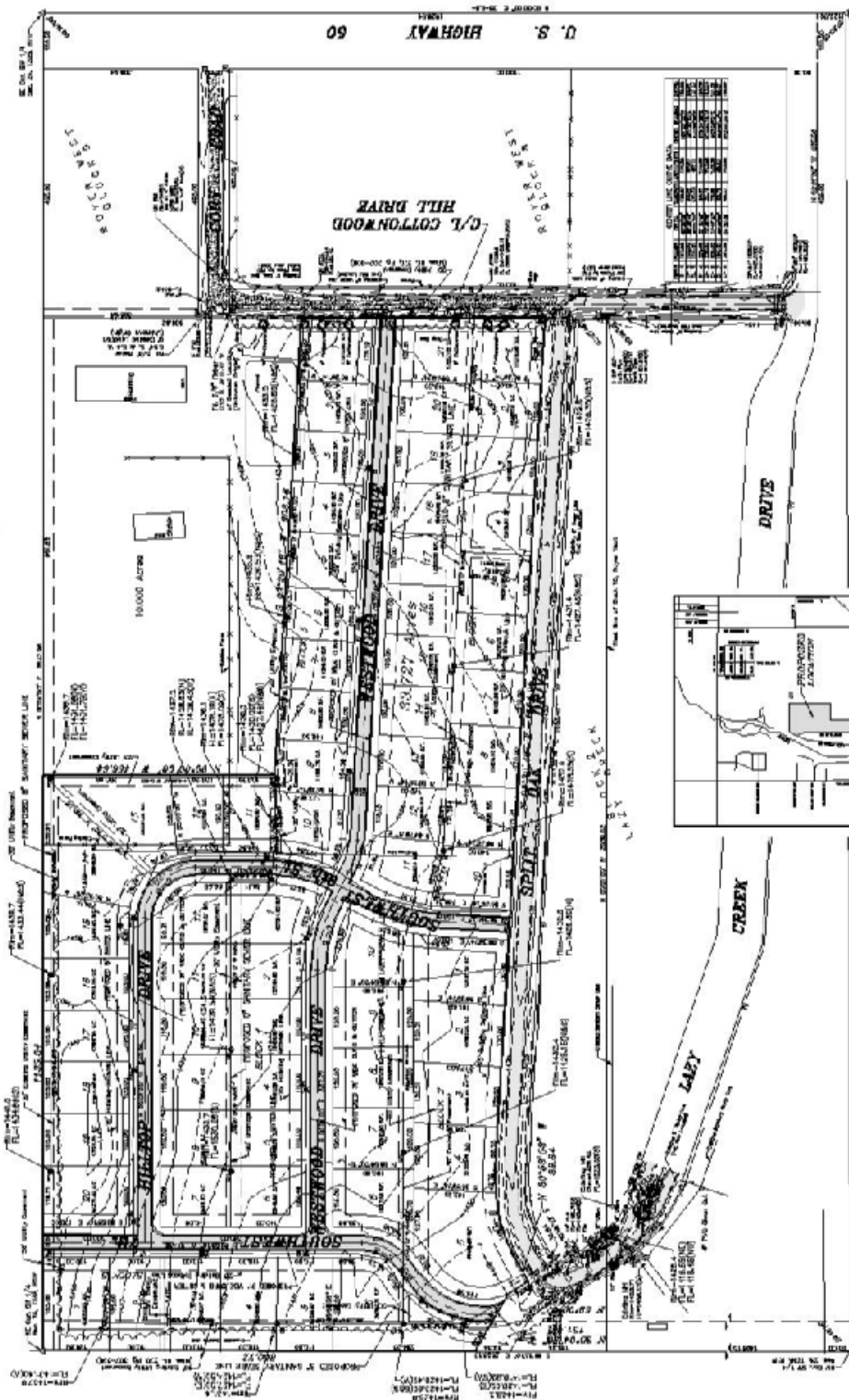


TABLE OF AREAS

| Block | Area (Acres) | Area (Sq. Ft.) |
|----------|--------------|----------------|
| Block 10 | 100.00 | 3,600,000.00 |
| Block 11 | 100.00 | 3,600,000.00 |
| Block 12 | 100.00 | 3,600,000.00 |
| Block 13 | 100.00 | 3,600,000.00 |
| Block 14 | 100.00 | 3,600,000.00 |
| Block 15 | 100.00 | 3,600,000.00 |
| Block 16 | 100.00 | 3,600,000.00 |
| Block 17 | 100.00 | 3,600,000.00 |
| Block 18 | 100.00 | 3,600,000.00 |
| Block 19 | 100.00 | 3,600,000.00 |
| Block 20 | 100.00 | 3,600,000.00 |



VICINITY MAP
AS SHOWN

PHASES DETAIL

| Phase | Area (Acres) | Area (Sq. Ft.) |
|-----------|--------------|----------------|
| Phase I | 100.00 | 3,600,000.00 |
| Phase II | 100.00 | 3,600,000.00 |
| Phase III | 100.00 | 3,600,000.00 |

OWNER/SUBDIVIDER:
WESTWOOD PROPERTIES INC.
1700 E. 30th Ave. Sub. A
HUTCHINSON, KS 67502
(913) 683-0928

SURVEYOR:
DANIEL E. CARBER
CARBER SURVEYING SERVICE, P.A.
423 WEST FIRST AVENUE
HUTCHINSON, KANSAS 67501
(913) 683-7038

Checked by: 2027 Date: 02/22/2027 Sheet 1 of 1 (Scale) 1/4" = 1' (Cont'd) 233

FINAL PLAN

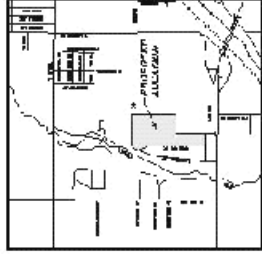
WESTWOOD

A RE-PLAT OF A PORTION OF BLOCK 10, ROYER WEST A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 23 SOUTH, RANGE 1 WEST 8TH PRINCIPAL MERIDIAN, CITY OF NEKTON, MARION COUNTY, KANSAS.

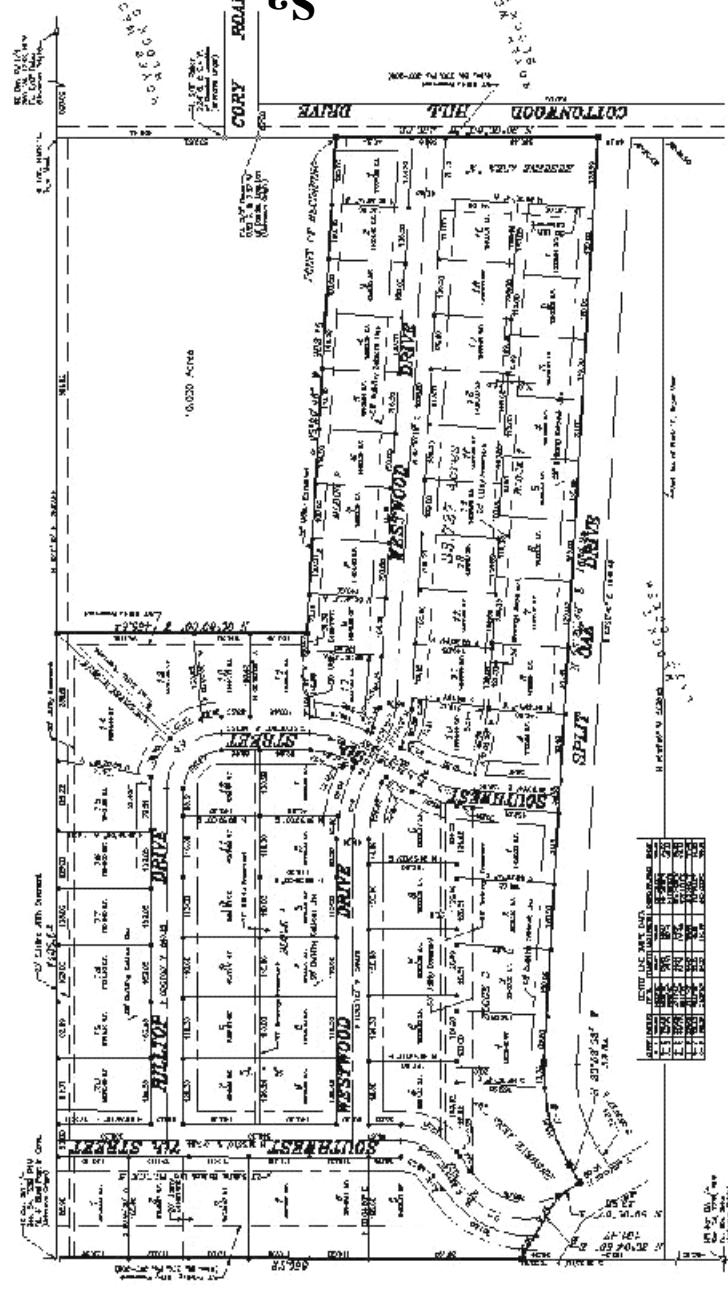
at
the
City
of
Nekton,
Marion
County,
Kansas



CLASSIC TABLE
PLANES - 1/8" = 1'-0"
PROJECTIONS - 3/16" = 1'-0"
PHOTOCOPIED - 1/4" = 1'-0"
REPRODUCED - 1/8" = 1'-0"



VICINITY MAP
TO SCALE



COMMENTS:
A portion of Block 10, Royer West A Subdivision, as shown on the plat of Block 10, Royer West A Subdivision, was previously subdivided as follows: [Table with columns for Lot No., Area, and Dimensions].

| LOT NO. | AREA | DIMENSIONS |
|---------|------|------------|
| 1 | 1.20 | 30' x 40' |
| 2 | 1.20 | 30' x 40' |
| 3 | 1.20 | 30' x 40' |
| 4 | 1.20 | 30' x 40' |
| 5 | 1.20 | 30' x 40' |
| 6 | 1.20 | 30' x 40' |
| 7 | 1.20 | 30' x 40' |
| 8 | 1.20 | 30' x 40' |
| 9 | 1.20 | 30' x 40' |
| 10 | 1.20 | 30' x 40' |
| 11 | 1.20 | 30' x 40' |
| 12 | 1.20 | 30' x 40' |
| 13 | 1.20 | 30' x 40' |
| 14 | 1.20 | 30' x 40' |
| 15 | 1.20 | 30' x 40' |
| 16 | 1.20 | 30' x 40' |
| 17 | 1.20 | 30' x 40' |
| 18 | 1.20 | 30' x 40' |
| 19 | 1.20 | 30' x 40' |
| 20 | 1.20 | 30' x 40' |
| 21 | 1.20 | 30' x 40' |
| 22 | 1.20 | 30' x 40' |
| 23 | 1.20 | 30' x 40' |
| 24 | 1.20 | 30' x 40' |
| 25 | 1.20 | 30' x 40' |
| 26 | 1.20 | 30' x 40' |
| 27 | 1.20 | 30' x 40' |
| 28 | 1.20 | 30' x 40' |
| 29 | 1.20 | 30' x 40' |
| 30 | 1.20 | 30' x 40' |
| 31 | 1.20 | 30' x 40' |
| 32 | 1.20 | 30' x 40' |
| 33 | 1.20 | 30' x 40' |
| 34 | 1.20 | 30' x 40' |
| 35 | 1.20 | 30' x 40' |
| 36 | 1.20 | 30' x 40' |
| 37 | 1.20 | 30' x 40' |
| 38 | 1.20 | 30' x 40' |
| 39 | 1.20 | 30' x 40' |
| 40 | 1.20 | 30' x 40' |
| 41 | 1.20 | 30' x 40' |
| 42 | 1.20 | 30' x 40' |
| 43 | 1.20 | 30' x 40' |
| 44 | 1.20 | 30' x 40' |
| 45 | 1.20 | 30' x 40' |
| 46 | 1.20 | 30' x 40' |
| 47 | 1.20 | 30' x 40' |
| 48 | 1.20 | 30' x 40' |
| 49 | 1.20 | 30' x 40' |
| 50 | 1.20 | 30' x 40' |

REMARKS:
This plat was prepared by the City of Nekton, Kansas, and is subject to the approval of the Board of Public Works. The plat shows the layout of the Westwood subdivision, including the streets, lots, and easements. The plat is intended to be used as a guide for the construction of the subdivision. The plat is subject to the approval of the Board of Public Works and the City of Nekton, Kansas.

STATE OF KANSAS
COUNTY OF MARION
This is to certify that the inventor of the plat of Block 10, Royer West A Subdivision, as shown on the plat of Block 10, Royer West A Subdivision, is the author of the plat and that the plat is a true and correct copy of the original plat as filed with the City of Nekton, Kansas.

CITY OF NEKTON
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STATE OF KANSAS
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GNSS
Geographic Northings, Southings, Eastings, Westings
NAD 83
Datum: NAD 83
Units: Feet
Scale: 1/4" = 1'-0"

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